

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

TRUIST BANK,

Plaintiff,

v.

CIVIL NO. 3:22-CV-171  
(KLEEH)

MARTINSBURG PEDIATRICS, INC. and  
DR. CAROLINE E. JOE,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION [ECF NO. 14] AND  
GRANTING MOTION FOR DEFAULT JUDGMENT [ECF NO. 11]

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On October 6, 2022, Plaintiff Truist Bank ("Plaintiff") filed a Complaint in this action against Martinsburg Pediatrics, Inc. and Dr. Caroline E. Joe (together, "Defendants"). On February 3, 2023, Plaintiff filed a motion for default judgment [ECF No. 11]. Pursuant to 28 U.S.C. § 636 and the local rules, the Court referred the motion to United States Magistrate Judge Robert P. Trumble (the "Magistrate Judge") for consideration. On February 22, 2023, the Magistrate Judge entered a Report and Recommendation ("R&R"), recommending that the Court grant the motion.

The R&R informed the parties that they had fourteen (14) days from the date of service of the R&R to file "specific written objections, identifying the portions of the Report and Recommendation to which objection is made, and the basis for such objection." It further warned them that the "[f]ailure to file

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written objections . . . shall constitute a waiver of de novo review by the District Court and a waiver of appellate review by the Circuit Court of Appeals.” Martinsburg Pediatrics, Inc. and Dr. Caroline Joe accepted service of the R&R on February 27, 2023. See ECF Nos. 15, 16. To date, no objections have been filed.

When reviewing a magistrate judge’s R&R, the Court must review de novo only the portions to which an objection has been timely made. 28 U.S.C. § 636(b)(1)(C). Otherwise, “the Court may adopt, without explanation, any of the magistrate judge’s recommendations” to which there are no objections. Dellarcirprete v. Gutierrez, 479 F. Supp. 2d 600, 603-04 (N.D.W. Va. 2007) (citing Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)). Courts will uphold portions of a recommendation to which no objection has been made unless they are clearly erroneous. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Because no party has objected, the Court is under no obligation to conduct a de novo review. Accordingly, the Court reviewed the R&R for clear error. Upon careful review, and finding no clear error, the Court **ADOPTS** the R&R [ECF No. 14]. The motion for default judgment is **GRANTED** [ECF No. 11]. The Clerk is **DIRECTED** to enter default judgment in Plaintiff’s favor in the following amounts:

- principal in the amount of \$112,135.66;

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- accrued and unpaid interest through September 19, 2022, in the amount of \$5,762.70;
- late fees and charges in the amount of \$0;
- interest on the principal balance at the Default Rate of Interest from October 6, 2022, through the date of judgment;
- attorney's fees and costs in the amount of \$7,786.62; and
- post-judgment interest on the above judgment at the maximum judgment rate until paid in full.

This action is **DISMISSED WITH PREJUDICE** and **STRICKEN** from the Court's active docket.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record and any unrepresented parties.

DATED: March 17, 2023



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THOMAS S. KLEEH, CHIEF JUDGE  
NORTHERN DISTRICT OF WEST VIRGINIA